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Chemicals and wastes

Draft resolution submitted by the Committee of the Whole

The United Nations Environment Assembly,

Recalling the Johannesburg Plan of Implementation of the World Summit on Sustainable Development, internationally agreed goals, including environmental goals and objectives, the Millennium Development Goals, and the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want", in particular the aim to achieve, by 2020, the sound management of chemicals throughout their life cycle and of hazardous waste in ways that lead to minimization of significant adverse effects on human health and the environment,

Considering that the sound management of chemicals and waste contributes significantly to the three dimensions of sustainable development,

Recalling the chapter VIII of the consultative process on financing options for chemicals and wastes in Decision 27/12 of the Governing Council/GMEF and that sustainable and adequate long-term funding is a key element for the sound management of chemicals and waste as expressed in paragraph 223 of "The future we want" as endorsed by the UNGA Resolution 66/288,

Welcoming the first joint meeting of the ordinary Conferences of the Parties to the Basel, Rotterdam and Stockholm conventions held in 2013 in Geneva,

Recalling decision 27/12 of the Governing Council/Global Ministerial Environment Forum, and having considered the progress report of the Executive Director on its implementation,

I. Continued strengthening of the sound management of chemicals and waste in the long term

1. *Recognizes* the continued relevance of the sound management of chemicals and wastes beyond 2020;

2. *Welcomes* the report of the Executive Director on the consultative process on enhancing cooperation and coordination within the chemicals and waste cluster, and the outcome document of the process, entitled "Strengthening the sound management of chemicals and wastes in the long term", annexed to the present resolution;

3. *Requests* the Executive Director to forward, for information regarding policies and actions, the outcome document, referred to in paragraph 2, to:

(a) The High-level Political Forum on sustainable development; the Open Working Group on Sustainable Development Goals;

(b) The sixth session of the Intergovernmental Negotiating Committee of the Minamata Convention on Mercury;

(c) The Open-ended Working Group of the Strategic Approach to International Chemicals Management and the fourth meeting of the International Conference on Chemicals Management;

(d) The conferences of the parties to the Basel, Rotterdam and Stockholm conventions;

(e) The Inter-Organization Coordinating Committee of the Inter-organization Programme for the Sound Management of Chemicals;

4. *Emphasizes* the importance of complying with existing international chemicals and waste related commitments through appropriate implementation at the national, regional and international levels;

II. Integrated approach to financing sound management of chemicals and waste

5. *Welcomes* an integrated approach to address the financing of the sound management of chemicals and wastes, and underscores that the three components of an integrated approach: mainstreaming, industry involvement and dedicated external finance are mutually reinforcing and are all important for the financing of the sound management of chemicals and waste at all levels;

6. *Also welcomes* the revision of the Instrument made by the GEF Assembly so as to include a focal area on chemicals and waste, and the increase of resources allocated to chemicals and waste by the 6th replenishment;

7. *Adopts* the terms of reference for a Special Programme, annexed to this decision, to be funded by voluntary contributions, to support institutional strengthening at the national level to enhance implementation of the Basel, Rotterdam, and Stockholm conventions, the Minamata Convention on Mercury, and the Strategic Approach to International Chemicals Management;

8. *Requests* the Executive Director, consistent with the terms of reference for the Special Programme, to establish and administer the Special Programme trust fund and to provide a secretariat to deliver administrative support to the Programme;

9. *Also requests* the Executive Board, in light of the experiences from the Special Programme and the lessons learned from recipient countries, to review the effectiveness of the Operational Arrangements for the Special Programme set out in its Terms of Reference, provide a report on the review to the United Nations Environment Assembly of the United Nations Environment Programme in 2018 for its consideration and for it to undertake adjustments, if necessary, to the Operational Arrangements for the Special Programme as set out in its Terms of Reference;

10. *Further requests* the Executive Director to submit for information the terms of reference for the Special Programme to the conferences of the parties of the Basel, Rotterdam and Stockholm conventions, the Intergovernmental Negotiating Committee of the Minamata Convention on Mercury and the Open-ended Working Group of the Strategic Approach to International Chemicals Management;

11. *Encourages* Governments in a position to do so, as well as the private sector, including industry, foundations, other non-governmental organizations and other stakeholders to mobilize financial resources for the effective establishment and quick start implementation of the Special Programme;

III. Sustainable development

12. *Emphasizes* that sound management of chemicals and waste is an essential and integral cross-cutting element of sustainable development and is of great relevance to the sustainable development agenda;

IV. Mercury

13. *Welcomes* the adoption of the Minamata Convention on Mercury at the Conference of the Plenipotentiaries in Kumamoto, Japan, on 10 October 2013;

14. *Requests* the Executive Director to facilitate cooperation, as appropriate, between the interim secretariat of the Minamata Convention, the secretariats of the Basel, Rotterdam and Stockholm conventions and others, to make full use of relevant experience and expertise that may assist countries in joining the Convention. subject to the availability of resources for this purpose;

15. *Notes* with appreciation the decision of the Conferences of the Parties of the Basel, Rotterdam and Stockholm conventions to express interest and signal their readiness to cooperate and coordinate with the Minamata Convention, and the reciprocal resolution of the Conference of Plenipotentiaries on the Minamata Convention on Mercury;

V. Strategic Approach to International Chemicals Management

16. *Welcomes* the important contribution of the Strategic Approach to International Chemicals Management in facilitating action by all relevant stakeholders towards the sound management of chemicals and waste;

17. *Emphasizes* the need for continued and strengthened multisectoral and multi-stakeholder involvement;

18. *Emphasizes* also the need for the continued strengthening of SAICM;

19. *Invites* the Open-ended Working Group of the Strategic Approach and the International Conference on Chemicals Management at its fourth meeting to consider ways to improve the involvement and participation of all relevant stakeholders and thereby also enable efficient and effective responses to new and emerging issues and challenges;

20. *Recalls* the lead role of UNEP in arranging for an effective and efficient SAICM secretariat and *requests* the Executive Director to continue to support the Strategic Approach, including in the development of orientation and guidance to implement the 2020 goal;

21. *Invites* the Director General of the World Health Organization to assume a leading role in the Strategic Approach to International Chemicals Management and provide appropriate staff and other resources to its secretariat, and requests the Executive Director to forward this invitation to the next meeting of the Executive Board of the World Health Organization;

22. *Invites* members of the Inter-organization Programme for the Sound Management of Chemicals to consider ways to support the strategic approach secretariat, including possible staffing support.

23. *Calls on* Governments, intergovernmental organizations, industry, civil society and other Strategic Approach stakeholders to support the implementation and further development of the Strategic Approach;

24. *Urges* Governments, intergovernmental organizations, non-governmental organizations, industry and others in a position to do so to make financial and in-kind contributions to the Strategic Approach, its secretariat and its implementation, including through the programme of work of the members of the Inter-Organization Programme for the Sound Management of Chemicals;

VI. Lead and cadmium

25. *Recognizes* the significant risks to human health and the environment arising from the releases of lead and cadmium into the environment;

26. *Welcomes* the upcoming third meeting of the Global Alliance to Eliminate Lead Paint and the associated workshop focusing on the development of national legislation to phase-out lead in paint, and requests the United Nations Environment Programme, in coordination with the World Health Organization, to continue to build capacity on lead paint through possible regional workshops;

27. *Looks forward to* the compilation of information on techniques for emission abatement and on the possibility of replacing lead and cadmium with less hazardous substances or techniques;

VII. Waste

28. *Requests* the Executive Director to consider the interlinkages between chemicals and waste policies in the global outlook on waste prevention, minimisation and management which is currently being developed;

VIII. Regional centres: mainstreaming and coordinated delivery

29. *Acknowledges* the role of the regional centres of the Basel and Stockholm conventions to support implementation of these conventions and all relevant activities as well as the role that they play in contributing to other chemicals and waste related instruments and in mainstreaming the sound management of chemicals and waste;

30. *Invites* parties to these conventions and other stakeholders, including parties to the Minamata Convention and Strategic Approach stakeholders, to consider ways to promote an effective and efficient network of regional centres to strengthen the regional delivery of technical assistance under these conventions to promote the sound management of chemicals and waste, sustainable development and the protection of human health and the environment;

31. *Requests* the Executive Director and invites the parties to the Basel, Rotterdam and Stockholm conventions, the Global Environment Facility and other relevant international financial institutions, instruments and programmes, to consider opportunities for effective and efficient cooperation with the regional centres in implementing regional sound management of chemicals and waste projects;

IX.

32. Requests the Executive Director to present a report on progress on the implementation of the present resolution to the United Nations Environment Assembly of the United Nations Environment Programme at its second session.

Annex A

Strengthening the sound management of chemicals and wastes in the long term[1]

A. Introduction

1. Chemicals are inextricably linked to our lives; they are used or produced in almost every industry and social sector, including health, energy, transport, agriculture, construction, textile, mining and consumer products. Chemicals contribute significantly to the well-being of society and are essential for sustainable development and for meeting the challenges of the future. However, they can pose a threat to human health, the environment and sustainable development if not managed in a sound manner throughout their life cycle, including at the waste stage.

2. The global production and use of and trade in chemicals, in addition to the generation of and trade in wastes, are increasing, with growth patterns placing an increasing burden on developing countries and countries with economies in transition, in particular the least developed countries and small island developing States, and presenting them with special difficulties in meeting this challenge.

3. The need to continue to take concerted action for the sound management of chemicals and wastes is accentuated by a lack of management capacity in developing countries and countries with economies in transition, dependency on pesticides in agriculture, exposure of workers and communities to harmful chemicals and wastes and concern about the long-term effects of chemicals and wastes on both human health and the environment and, therefore, sustainable development. The significant burden of disease attributable to exposure to hazardous chemicals and wastes is a cause for concern. The poorest populations and vulnerable groups are often the most affected.

4. In Johannesburg, South Africa, in 2002, Governments agreed to aim to achieve that, by 2020, chemicals are used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment. That goal was adopted by multiple stakeholders at the first session of the International Conference on Chemicals Management. The 2020 target was further recognized in the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want", and was extended to cover hazardous wastes. Strengthened sound management of chemicals and wastes in the long term is an essential cross-cutting issue for sustainable development because there are benefits for the environment, health, poverty eradication, the economy and societies in general.

5. At the United Nations Conference on Sustainable Development, Governments commended the increased coordination and cooperation among the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants and encouraged continued coordination and cooperation among them.

6. Dedicated resources for the sound management of chemicals and wastes have expanded, including through the Global Environment Facility focal area on chemicals and wastes, which now has a wider scope, but further resources are needed to respond to the multiple challenges.

B. Vision

7. To achieve the sound management of chemicals throughout their life cycle and of hazardous wastes in ways that lead to the prevention or minimization of significant adverse effects on human health and the environment, as an essential contribution to the three dimensions of sustainable development.

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[1] The present document is the outcome of the country-led consultative process on the challenges to and options for further enhancing cooperation and coordination within the chemicals and wastes cluster in the long term, as set out in decision 26/12 of the Governing Council of the United Nations Environment Programme (UNEP). The document is being submitted to the Executive Director of UNEP on 27 February 2014 for inclusion in his report to the United Nations Environment Assembly in June 2014. The document provides a summary of some of the views expressed by participants during the process. The views are neither negotiated nor agreed, nor intended to preempt or prejudge decisions in other processes in the chemicals and wastes cluster.

C. Long-term policy elements

1. Fundamental elements for achieving the vision

8. The strengthened sound management of chemicals and wastes in the long term is essential for sustainable development and should be embedded in the sustainable development agenda.

9. The sound management of chemicals and wastes should be mainstreamed into local, national, regional and international policies and strategies, including sectoral, financial, legal and capacity-building policies, as well as international financing mechanisms and institutions.

10. There is a need to increase the political priority and commitment to the sound management of chemicals and wastes at the local, national, regional and global levels, recognizing that a number of processes present opportunities to draw attention to these important issues, including those relating to the sustainable development goals and the Strategic Approach to International Chemicals Management.

11. Achievement of the vision involves an effective, efficient, coherent and coordinated response to challenges in the sound management of chemicals and wastes at the national, regional and global levels.

12. The need to prevent or minimize the significant adverse effects from chemicals and hazardous wastes on human health and the environment will continue to provide a strong basis for sound chemicals and waste management beyond 2020 and could be accompanied by supplementary targets and indicators, within a defined time frame.

13. The sound management of chemicals and wastes is the shared responsibility of all stakeholders, including Governments, industry and others.

2. Basic elements to be addressed

14. A fundamental element for the sound management of chemicals and wastes is the need to develop, implement and enforce basic national legislative and policy frameworks, including designating the responsibilities of industry and the wider business community, and to have the necessary national institutional capacity.

15. Industry has a special responsibility, as designer, producer and user of chemicals and products, and should apply sustainable chemistry, recognizing the ongoing efforts being undertaken in this regard.

16. The effective and efficient implementation of existing chemicals and waste-related obligations under multilateral environmental agreements and actions to implement voluntary frameworks, building on experiences and successes, is essential.

17. Improved access to and generation and sharing of relevant data and understandable information throughout the supply chain are necessary for more informed decision-making and political and public awareness.

18. The sound management of chemicals and wastes includes promoting sustainable production and consumption patterns, including applying a life-cycle approach, and the consideration of waste as a resource.

19. New and emerging issues and challenges of global concern should be identified scientifically through an efficient, multi-stakeholder and inclusive process and should be adequately and effectively addressed. Responding to those issues and challenges requires sufficient capacity at the national, regional and global levels.

3. Reinforcing measures

20. In identifying options to enhance the management of chemicals and wastes in the long term, there is a need to first take stock and evaluate progress in achieving the 2020 goal, taking into account the relevant evaluations in the chemicals and wastes cluster.

21. The sound management of chemicals and wastes should respond specifically to the needs and challenges of developing countries and countries with economies in transition.

22. The multidimensional aspects of the sound management of chemicals and wastes provide an opportunity for enhanced cooperation and coordination at the national, regional and global levels, acknowledging the work undertaken to enhance synergies among the Basel, Rotterdam and Stockholm conventions.

23. Efforts to promote the sound management of chemicals and wastes will require collaborative multisectoral participation, in particular by broadening the participation of sectors that have not traditionally been involved. Such collaboration should address the strong interlinkages with sectors such as health, education, labour, mining, the environment, agriculture, water and industry.

24. The sound management of chemicals and wastes also requires multi-stakeholder involvement, including from industry and civil society, as well as the research and scientific community.

25. At the global and regional levels, the sound management of chemicals and wastes would benefit from enhanced cooperation and coordination among the organizations participating in the Inter-Organization Programme for the Sound Management of Chemicals[2] and other relevant intergovernmental organizations, inter alia, the United Nations Human Settlements Programme, and with conventions within and outside the chemicals and wastes cluster.

26. At the national level, the effective sound management of chemicals and wastes requires cooperation among all relevant ministries, such as between agriculture and environment ministries with regard to pesticide regulations.

27. Future efforts to manage chemicals and wastes throughout their life cycle will depend on and benefit from enhanced scientific and technical cooperation and knowledge, building on, inter alia, the *Global Chemicals Outlook* report and its recommendations, the future global waste management outlook report and other relevant sources of information. Furthermore, existing and future scientific data could foster consideration of common objectives for the protection of health and the environment as a basis for future policies.

28. Solutions to minimize the adverse effects of chemicals and wastes have been achieved through existing practices involving the sound management of chemicals and wastes in several countries, which have the potential to be replicated, including by building the capacity of countries to implement those solutions.

29. An integrated approach to financing the sound management of chemicals and wastes, including through mainstreaming in national budgets and development assistance plans, industry involvement and dedicated external financing, is crucial to mobilizing financial resources in the long term.

30. Sustainable, predictable, adequate and accessible long-term funding at all levels, in addition to timely and appropriate technical assistance for activities in support of the sound management of chemicals and wastes, is a key element, in particular in developing countries and countries with economies in transition.

31. Further efforts to elaborate the long-term vision, especially in relation to waste, should be based on full multi-stakeholder involvement, awareness-raising for the public and political leaders and progress in achieving the 2020 goal.

[2] Food and Agriculture Organization of the United Nations, International Labour Organization, Organisation for Economic Cooperation and Development, United Nations Development Programme, UNEP, United Nations Industrial Development Organization, United Nations Institute for Training and Research, World Bank and World Health Organization.

Annex B

Terms of reference for the special programme to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management

Recalling decision 27/12 on chemicals and waste management, part VIII, paragraphs 13 and 14 of the First Universal Session of the Governing Council/Global Ministerial Environment Forum of the United Nations Environment Programme (UNEP):

I. Objective of the Special Programme

1. The objective of the Special Programme is to support country-driven institutional strengthening at the national level, in the context of an integrated approach to address the financing of the sound management of chemicals and wastes, taking into account the national development strategies, plans and priorities of each country, to increase sustainable public institutional capacity for the sound management of chemicals and wastes throughout their life cycle. Institutional strengthening under the Special Programme will facilitate and enable the implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management (hereinafter referred to as "the Instruments").

II. Definition of institutional strengthening

2. For the purposes of the Special Programme, institutional strengthening is defined as enhancing the sustainable institutional capacity of Governments to develop, adopt, monitor and enforce policy, legislation and regulation, as well as to gain access to financial and other resources for effective frameworks for the implementation of the Instruments for the sound management of chemicals and wastes throughout their life cycle.

III. Expected outcomes of institutional strengthening through the Special Programme

3. It is expected that strengthened national institutions would have the capacity to do the following:

(a) Develop and monitor the implementation of national policies, strategies, programmes and legislation for the sound management of chemicals and wastes;

(b) Promote the adoption, monitoring and enforcement of legislation and regulatory frameworks for the sound management of chemicals and wastes;

(c) Promote the mainstreaming of sound management of chemicals and wastes into national development plans, national budgets, policies, legislation and implementation frameworks at all levels, including addressing gaps and avoiding duplication;

(d) Work in a multisectoral, effective, efficient, transparent, accountable and sustainable manner in the long term;

(e) Facilitate multisectoral and multi-stakeholder cooperation and coordination at the national level;

(f) Promote private sector responsibility, accountability and involvement;

(g) Promote the effective implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach;

(h) Promote cooperative and coordinated implementation of the Instruments at the national level.

IV. Scope of the Special Programme

4. The Special Programme should avoid duplication and proliferation of funding mechanisms and associated administration, and should fund activities that fall outside the mandate of the Global Environment Facility.

5. The activities funded under the Special Programme may encompass the following:

(a) Identifying national institutional capacity, weaknesses, gaps and needs, as well as strengthening the institutional capacity to do so, where required;

(b) Strengthening institutional capacity to plan, develop, undertake, monitor and coordinate the implementation of policies, strategies and national programmes for the sound management of chemicals and wastes;

(c) Strengthening institutional capacity to improve progress reporting and performance evaluation capabilities;

(d) Promoting an enabling environment to foster the ratification of the Basel, Rotterdam and Stockholm conventions and the Minamata Convention;

(e) Enabling the design and operation of institutional structures dedicated to the promotion of the sound management of chemicals and wastes throughout their life cycle;

(f) Strengthening institutional capacity to promote measures to support all aspects of the sound management of chemicals and wastes, including more specific nationally identified thematic areas covered by the Instruments.

V. Eligibility for support from the Special Programme

6. Support from the Special Programme will be available for developing countries, taking into account the special needs of least developed countries and small island developing States, and for countries with economies in transition, with priority given to those with least capacity.

7. Applicants will be eligible if they are party to any one of the relevant conventions or have demonstrated that they are in the process of preparing for ratification of any one of the conventions.

8. Applications will include identification of the associated domestic measures to be taken to ensure that the national institutional capacity supported by the Special Programme is sustainable in the long term.

VI. Governance arrangements for the Special Programme

9. An Executive Board will be the decision-making body and oversee the Special Programme with the support of a secretariat.

10. The Executive Board will reflect a balance between donors and recipients. The term of the representatives will be in a two-year rotation. The Executive Board will be composed of the following:

(a) Four representatives of recipient countries, reflecting equitable, geographical representation, drawn from the following United Nations regions: Africa, Asia-Pacific, Central and Eastern Europe, and Latin America and the Caribbean. In addition, the Executive Board will have one representative from a least developed country or a small island developing State on a rotational basis.

(b) Five donor representatives, which are not also recipient countries.

11. The executive secretaries of the Secretariat of the Basel, Rotterdam and Stockholm conventions and the Minamata Convention, the Coordinator of the Strategic Approach and a representative of the secretariat of the Global Environment Facility, as well as representatives of Governments and regional economic integration organizations, any implementing agencies and one representative from each of the Bureaus of the governing bodies of the Instruments may participate, at their own expense, as observers at the meetings of the Executive Board.

VII. Mandate and functions of the Executive Board

12. The Executive Board will have two co-chairs, one from recipient countries and one from donor countries.

13. The Executive Board will meet yearly and take its decisions by consensus wherever possible. If consensus cannot be reached, the Executive Board will, as a last resort, take its decisions by a two-thirds majority of its members present and voting. The Executive Board will, as required, further develop its rules of procedure at its first meeting.

14. The Executive Board will take operational decisions regarding the functioning of the Special Programme, including the approval of applications for funding, and will endorse procedures for application, assessment, reporting and evaluation. The Executive Board will provide operational guidance on the implementation of the Special Programme and will provide advice on other matters as required.

VIII. Administering organization

15. As the administering organization, UNEP will provide a Special Programme trust fund and a secretariat to deliver administrative support to the Programme, including the allocation of human and other resources.

16. The secretariat will process application proposals for approval by the Executive Board, manage approved allocations and service the Executive Board. The Secretariat will report on its operations to the Executive Board and will be accountable to the Executive Director of UNEP for administrative and financial matters. The secretariat will submit an annual report to the Executive Board, which will also be sent to the governing bodies of UNEP and of the Instruments for their consideration.

IX. Operational arrangements for the Special Programme

17. The Special Programme will receive applications directly from national Governments. It will be easily accessible, simple and effective, and draw on experience from existing support mechanisms as appropriate.

18. Applications should be outlined within the context of an overall country approach to strengthening institutional capacity. The applications should contain proposed measures and performance targets, and information relating to long-term sustainability.

19. Applications should be submitted to the secretariat. The secretariat will appraise applications for consideration and decision by the Executive Board.

20. Cumulative allocations to a country should be decided by the Executive Board, based on the contributions received and the needs expressed in the applications submitted. Of that total, an amount not exceeding 13 per cent may be retained for administrative purposes.

21. Beneficiary countries will contribute resources equal to the value of at least 25 per cent of the total allocation.The Executive Board may reduce that percentage, commensurate with a consideration of the specific national circumstances, capacity constraints, gaps and needs of the applicant.

22. Beneficiary countries shall submit annual reports on progress achieved. A final report and financial audit shall be submitted upon completion of each project, which shall include a full accounting of funds used and an evaluation of outcomes, as well as evidence as to whether the performance targets have been met.

X. Contributions

23. Contributions will be encouraged from all signatories and parties to the conventions and other Governments with the capacity to do so, as well as from the private sector, including industry, foundations, other non-governmental organizations and other stakeholders.

XI. Duration of the Special Programme

24. The Special Programme will be open to receive voluntary contributions and applications for support for seven years from the date it is established. On the basis of a satisfactory review and evaluation, and subject to a recommendation from the Executive Board to the United Nations Environment Assembly, the Special Programme may be eligible for a one-time extension, not to

exceed an additional five years. Special Programme funds may be disbursed for a maximum of 10 years from the date the Programme is established, or eight years from the date it is extended, if applicable, at which point the Programme will complete its operations and close. The terms of reference of the above-mentioned review and evaluation are to be decided by the Executive Board.